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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/305,146	05/04/1999	GEORGE V. GUYAN	AND1P069	1663

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EXAMINER

RIMELL, SAMUEL G

ART UNIT PAPER NUMBER

2175

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/305,146

Applicant(s)

GUYAN ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22 and 41-56 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22, 41-56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

SAM RIMELL
PRIMARY EXAMINER

Preliminary Notes:

(1) Examiner notes that the facsimile transmission of January 9, 2003, including the Request for Continued Examination and Second Amendment were received unsigned. However, since the Examiner subsequently received the original copy of this correspondence which included all necessary signatures, the paper has been approved for entry.

(2) The facsimile transmission of January 9, 2003 included a copy of an information disclosure statement. The original copy of this information disclosure statement, including its attached documents, were never received. Accordingly, it cannot be considered at this time. Applicant is requested to submit a complete copy of this information disclosure statement in the response to this office action.

Claim 55 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 55: It is not clear how the statistical model relates to the remainder of the system. In particular, it is not clear how the statistical model is used and which component in the system is actually using it.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22 and 41-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuler et al. (U.S. Patent 5,855,055).

Claim 22: Schuler et al. discloses a server component (208). The server component includes a task engine application program, which is the software which operates and controls the server (208). The internal processor of the server is the claimed "event processor". A data component (database 206) resides on the server component (208). FIGS. 4A-4G illustrate a data structure for the database, where each block of information is a data entity. The claim folder is an insurance policy (col. 5, line 5). The claim folder is decomposed into the data entities (such as 402, 406, 410) and each data entity reads as one of the claimed "levels" of the claim folder. Data entity (402) is the policy level. The data entity marked "Subcontractor Payments" in FIG. 4F is the claim level. The data entity marked "insured" in FIG. 4A reads as the participant level. The data entity marked "Vehicle Schedule" in FIG. 4C reads as the line level. The data is arranged in a structured format, as seen by FIGS. 4A-4G. NEW PART
The event processor (server processor) interacts with the data component (database) by inserting or retrieving data for each claim folder (insurance policy). The information can be retrieved from or sent to system components, such as the client computers (210) in FIG. 3. as an example, FIG 21111

Claims 41-46, 52-54 and 56: Each of these claims is limited only to specific types of information contained within the claimed folder. Considering that there is no functional relationship between these types of information and the claim folder itself, no patentable weight can be attributed to the specific types of information being claimed (*In re Gulack* 217 USPQ 401 (Fed. Cir. 1983) "*Printed matter that is not functionally related to substrate does not distinguish invention from prior art in terms of patentability; although printed matter must be*

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considered, in that situation, it may not be entitled to patentable weight). Also see MPEP 2106, which states: "When descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability."

Claim 47: Any of the individual data elements in the line level (Vehicle Schedule) can be read as the claimed "negotiation component". The exact nature and content of the negotiation component is not claimed.

Claim 48: A client component (client computer 210 in FIG. 3) is in communication with the server component (server 208) and is configured to provide any of the information in the claim folder.

Claim 49: The client component is a user interface that displays information in response to communication with a server.

Claim 50: The client component (210) allows a user to retrieve information or add information to the claim folder (insurance policy).

Claim 51: The data component is a database, and as such, allows a user of the system to search for and retrieve information for any of the levels in the claims folder (insurance policy).

Claim 55: The "totaling means" set forth in claim 1, part (c) of Schuler et al. reads as the claimed statistical model. No patentable weight is attributable to the intended usage of the model in the system (See MPEP 2106, Section C).

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Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175